

## Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 EA-10 L-03 H-01 CIAE-00 INR-07  
NSAE-00 OES-07 SCS-06 CA-01 EB-08 COME-00 TRSE-00  
JUSE-00 INT-05 DLOS-09 CG-00 DOTE-00 /072 W  
-----116059 212114Z /63

R 211326Z DEC 77

FM AMEMBASSY GEORGETOWN

TO SECSTATE WASHDC 5891

INFO AMEMBASSY PARAMARIBO

LIMITED OFFICIAL USE GEORGETOWN 3289

E.O. 11652: N/A

TAGS: EFIS, PLOS, GY

SUBJECT: STATUS OF SHRIMP TRAWLER COURT CASES TRIED UNDER GUYANA'S  
200 MILE FISHING ZONE STATUTE

REF: (A) GEORGETOWN 2937, (B) GEORGETOWN 2375

1. IN SEPARATE TRIALS FOLLOWING GUILTY VERDICTS IN THE  
SOUTH KOREAN KWANG MYONG TRAWLER CASES DECIDED NOV 15  
(SEE REFTEL), TWO MORE CAPTAINS OF VESSELS SEIZED BY GOG  
PATROL VESSELS SEPT 1977 IN GUYANA'S 200 MILE FISHING ZONE  
HAVE BEEN FOUND QUILTY. ON DEC 17 THE GUYANESE CAPTAIN  
OF THE SURNAMESE-US OWNED SUGAM 26 TRAWLER WAS FINED G\$50,000  
(US\$19,644.82) WITH FORFEITURE OF THE VESSEL, FITTINGS AND  
CATCH. (HIS CASE IS NOW UNDER APPEAL. REDUCED FINE MAY BE  
ATTRIBUTABLE TO FACT HE TURNED STATE'S EVIDENCE.)

2. ON DEC 19 A SOUTH KOREAN CAPTAIN OF ONE OF FOUR SOUTH  
KOREAN SOON GONG FLEET TRAWLERS WAS FOUND QUILTY AND WILL BE  
SENTENCED DEC 22, AT WHICH TIME DEFENSE COUNSEL LLOYD LUCKHOO  
WILL ARGUE MITIGATING CIRCUMSTANCES. THE OTHER THREE  
SOON GONG CAPTAINS ARE STILL AWAITING TRIAL. THE TWO  
SOUTH KOREAN KWANG MYONG SKIPPERS REMAIN IN POLICE CUSTODY  
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PENDING APPEALS. THE GUYANESE CAPTAIN IS FREE ON A  
REDUCED BAIL OF G\$5,000.

3. IN THE SUGAM 26 CASE WHERE HE ALSO ACTED AS DEFENSE  
COUNSEL, LUCKHOO ARGUED MITIGATING CIRCUMSTANCES AND  
ATTEMPTED TO SHOW THAT DEFENDANT DID NOT RECEIVE PRIOR  
NOTICE THAT GOG WOULD BE ENFORCING ITS 200 MILE ZONE LAW.

AS PART OF THIS EFFORT HE INTRODUCED AS EVIDENCE A COPY OF A USDOC INFORMATION RELEASE STATING, INTER ALIA, "US DEPARTMENT OF STATE HAS ASKED THE FOLLOWING WARNING BE GIVEN TO US FISHERMEN WHO OPERATE OFF THE COAST OF GUYANA: EFFECTIVE OCTOBER 4, 1977, GUYANA INTENDS TO ENFORCE ITS 200 MILE FISHERY ZONE." (IT APPEARS THAT NOTICE WAS BASED ON GEORGETOWN 2416.) LUCKHOO FURTHER ARGUED THAT IN VIEW OF MAJORITY SURINAMESE GOVERNMENT OWNERSHIP, VESSEL SHOULD BE ACCORDED "DIPLOMATIC IMMUNITY" AND NOT BE FORFEITED. TO PROVE OWNERSHIP, HE INTRODUCED A LETTER FROM PRIME MINISTER ARRON WHICH ASSERTED THE GOS OWNERSHIP INTEREST IN THE VESSEL. ACTING CHIEF MAGISTRATE DESMOND CHRISTIAN REJECTED BOTH ARGUMENTS AND COMPLAINED ABOUT "PRESSURE FROM FOREIGN GOVERNMENTS", CITING BOTH THE ARRON LETTER AND THE "STATE DEPARTMENT TELEGRAM".

4. IN RECENT CONVERSATION WITH EMB, LUCKHOO EXPRESSED BELIEF THAT TRIAL COURT DECISIONS WOULD GO AGAINST HIS CLIENTS, BUT THAT HE WOULD BE SUCCESSFUL ON APPEAL, BECAUSE OF DISPROPORTIONATE SENTENCES AND "POINTS OF LAW" THAT AROSE DURING THE TRIALS. HE INFORMS US THAT APPEAL PROCESS COULD CONTINUE "WELL INTO NEXT YEAR".  
BURKE

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## Message Attributes

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